



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,605	02/11/2002	Stephen L. Price	PRICE-001XX,	5927
32047	7590	06/20/2005	EXAMINER	
GROSSMAN, TUCKER, PERREAULT & PFLEGER, PLLC 55 SOUTH COMMERICAL STREET MANCHESTER, NH 03101			FOSTER, ROLAND G	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,605

Applicant(s)

PRICE, STEPHEN L.

Examiner

Roland G. Foster

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14 and 24-30 is/are allowed.
- 6) ☒ Claim(s) 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments are moot in view of new grounds of rejection necessitated by the amendment to the claims.

Nonetheless on page 11 of the amendment, filed on February 18, 2005, the applicant argues with respect to the claim 17 rejection that the caller registration access system of Burgess (U.S. Patent No. 6,359,970 B1) merely refers to the user inputting values, where the user is the individual screening the call and not the caller.

Although applicant's argument have been duly considered, they are not deemed persuasive. Examiner's claim interpretation of caller registry database is consistent with applicant's specification. For example, Fig. 5 of applicant's specification illustrates that the subscriber (i.e., user of the screening system) inputs values into the caller registry database.

On page 12 of the amendment, applicant argues with respect to the claim 16 rejection that the Office action fails to provide motivation for encrypting private identifiers in the preferred caller database. In addition, the claim 16 rejection suffers the same defects as the claim 17 rejection, namely that Burgess fails to disclose a caller registry database.

Art Unit: 2645

Although applicant's argument have been duly considered, they are not deemed persuasive. The examiner's rejection of claim 16 included a motivation to add encryption to a database in order to increase the security of sensitive information transmitted over the telephone line, which is sufficient due to the applicant's broad recitation of the encryption process. Specifically, encrypting sensitive data (e.g., the private identifiers) destined for transmission over non-secure networks such as the public switched telephone network would have been notoriously well-known and commonplace in the art. Further, applicant's claim nominally and generally recites only that encrypted identifiers are deciphered and searched in the database. Thus, a general motivation to increase security by relying encryption of the private identifiers for transmission over the telephone network and subsequent decryption at the database is sufficient motivation.

Burgess also discloses the claimed "caller registry database", where the caller registry database is interpreted consistent with the applicant's specification as discussed above.

Applicant's arguments regarding the claim 16 rejection relate to motivation and the teachings of Burgess (as discussed above) and not to the facts Officially Noticed in the last Office action. Thus, the applicant's lack of traverse to the officially noticed fact in the last Office action is taken as an admission of the facts noticed.

For the reasons above, the following rejections are repeated, except where any new grounds of rejection is due to the amendment to the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 15-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Burgess (U.S. Patent No. 6,359,970 B1) (hereinafter “Burgess”), of record, in view of Newton’s Telecom Dictionary, 8th Ed. (ISBN 0-936648-60-0) (hereinafter “Newton”), of record.

With respect to claim 15, Burgess discloses a telephone call screening system (abstract), where a preferred call database is established comprising caller identifying information for preferred callers (Fig. 3) selected by a subscriber (col. 9, lines 55-67 and col. 11, lines 52-61). The system includes a means for interrogating the caller for caller ID data that comprises private identifiers such as account numbers and speaker dependent voice data (col. 5, lines 1-20 and lines 45-51).¹ The system stores the private identifiers into a database if the private identifier represents a new record (i.e., new caller registering himself onto the screening system) (col. 6, lines 20-30). The system also searches the preferred caller database to search for said, previously stored private identifiers (account number) in order to determine how to dispose of the call according to priority data (col. 5,

Art Unit: 2645

lines 20-32, col. 6, lines 5-25, and col. 10, lines 30-42). Burgess clearly discloses the remaining limitations within the claim.

Burgess discloses a caller registration access system (personal computer system) for accessing the database and establishing preferred callers (col. 11, lines 50-60) via a data communication network (i.e., via a coupling to the communications controller 1000 at input port 1013) (col. 11, lines 58-60).²

Burgess discloses a single database that performs both the caller registry function (storing the private identifiers for new callers) and selecting the preferred callers, all as discussed above. Thus, Burgess fails to disclose that this single database is broken down into two databases: the caller registry database and the preferred caller database.

However, Newton teaches of a relational database that is comprises of plural data files (databases) that relate to each other (page 864, "relational database").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to break the single database performing the caller registry function and the preferred caller function into two related databases each

¹ Interpreting "private identifiers" as personal account data or even speaker dependent voice data (e.g., voiceprints) is consistent with the applicant's specification (page 14, paragraph 0034).

² Examiner's claim interpretation of caller registry database is consistent with applicant's specification. For example, Fig. 5 of applicant's specification illustrates that the subscriber (i.e., user of the screening system) inputs values into the caller registry database.

Art Unit: 2645

performing one of the respective functions as taught by the relational database model of Newton.

The suggestion/motivation for doing so would have been to increase the versatility and universality and simplicity of the database because “[r]elational database differ from non-relational databases in that there are no system dependencies stored within the data...[including no] pointers” (Newton, page 864, “relational database”). Further, the use of relational database would have conformed to industry standards and relied upon readily available components because “[m]ost mini-computers and mainframes today have relational database systems available for business use.” Id.

Claim 17 differs substantively from claim 15 in that claim 17 recites a system comprising components that perform functions equivalent to the means recited in the claim 15 rejection. Therefore, see the claim 15 rejection for further details.

Claim 21 differs substantively from claim 15 in that claim 21 recites a call processing application that performs functions equivalent to the functions performed by the system of claim 15. Therefore, see the claim 15 rejection for additional details. Further, Burgess discloses a computer based system (Fig. 10) and thus executes a call processing application to perform various functions. Finally, claim 21 recites that the caller database is searched using encrypted private identifiers. Burgess fails to disclose a that the database is searched using encrypted private identifiers.

Art Unit: 2645

However, "Official Notice" was taken that both the concept and advantages of deciphering private identifiers previously transmitted over a telephone network using an encryption key would have been well known and expected in the art.³ Applicant's lack of traverse to the facts noticed is taken as an admission of the facts noticed (see the "Response to Arguments" section above for further details).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add deciphering said private identifiers using an encryption key prior to searching said private identifiers to the system disclosed by Burgess.

The suggestion/motivation for doing so would have been to increase security of information transmitted over the telephone network by encrypting the information and having a decrypting means on the receiving end (e.g., a database), as it notoriously well known in the art of secure data transmission.

With respect to claim 16, see the claim 21 rejection for further details.

With respect to claim 18, see Fig. 1.

With respect to claim 19, see col. 9, lines 10-15.

³ Although claim 21 does not specifically recite that the private identifiers are decrypted at the database prior to searching, such an interpretation is consistent with applicant's claims (e.g., see the claim 16 rejection).

Art Unit: 2645

With respect to claim 20, see col. 6, lines 1-6 and 20-30.

With respect to claim 22, see the claim 15 rejection for additional details. Also, see col. 6, lines 20-30.

With respect to claims 23, see col. 9, lines 10-15.

Allowable Subject Matter

Claims 1-14 and 24-30 are allowed.

Examiner's Reasons for Allowance

See pages 6-8 of the last Office action, mailed on November 17, 2004 for further reasons regarding the examiner's reasons for allowance.

Art Unit: 2645

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland G. Foster whose telephone number is (571) 272-7538. The examiner can normally be reached on Mon to Fri from 9:30am to 6:00pm.

Art Unit: 2645

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roland G. Foster
Primary Patent Examiner
June 12, 2005